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*Attorneys for Defendants C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products  
Liability Litigation,

No. 2:15-MD-02641-DGC

**THE PARTIES' JOINT REPORT  
ON THE SETTLEMENT STATUS  
OF CASES**

1 Pursuant to Case Management Order No. 42 (Docs. 164343 & 20954), the parties  
2 submit this monthly report concerning the settlement status of cases pending in this MDL:

3 While the Defendants' counsel believes this report is "joint", they have been unable  
4 to obtain final confirmation from the Plaintiffs' counsel. The Plaintiffs' counsel were  
5 provided an earlier draft of this report, and proposed changes which have been incorporated.  
6 The Plaintiffs' counsel orally notified the Defendants' counsel that the report could be filed  
7 once their revisions were made. Thereafter, the Defendants had to make some  
8 modifications to the exhibits, and sent those to the Plaintiffs' counsel for review and  
9 confirmation that the Defendants were still authorized to proceed with the filing. Despite  
10 multiple inquiries, the Defendants have been unable to obtain that confirmation.

11 As a result, the Defendants are proceeding with filing the report on the belief that it  
12 represents a "joint" report. In the event the Plaintiffs' counsel later identifies any issues  
13 with the report, the parties will work to prepare and submit an amended report on Monday,  
14 December 9, 2019.

15 **I. TRACK 1 CASES**

16 On July 26th, the parties provided the Court with a list of cases that have been  
17 resolved in principle pursuant to an executed release or term sheet (Doc. 19798-1).

18 The vast majority of those plaintiffs have now filed stipulations of dismissal. In  
19 accordance with Case Management Order No. 42 and this Court's order dated November  
20 15, 2019 (Doc 20954), the remaining cases are now subject to remand to their transferor  
21 jurisdictions or, if directly filed in this MDL, transfer to the appropriate venues.

22 A list of Track 1 cases ripe for remand by the Judicial Panel of Multidistrict  
23 Litigation is attached as Exhibit "A." A list of those direct filed cases ripe for transfer is  
24 attached as Exhibit "B."

25 A small number of cases previously assigned to Track 1 were mistakenly placed in  
26 that category because they were not settled at that time. They should have been assigned to  
27 Track 2. These cases, however, have very recently been settled. A list of those cases is set  
28 forth in Exhibit "C." Given that the settlement of those cases only recently occurred, the

1 parties respectfully request that they be held in abeyance with the other settled Track 2 cases  
2 until May 1, 2020.

## 3 **II. TRACK 2 CASES**

4 On July 26th, the parties provided the Court with a list of cases that are the subject  
5 of substantive settlement negotiations, with a likelihood of ultimately settling (Doc. 19798-  
6 2). On September 24, 2019, the parties filed their Joint Report on the Settlement Status of  
7 Cases (Doc. 200061) with a list of cases from Track 2 that should be moved to Track 3.  
8 Since that status report, no other cases presently in Track 2 have been designated to move  
9 to Track 3.

10 The parties have now settled or reached an agreement on a term sheet as  
11 contemplated by CMO No. 42 related to a significant number of cases in Track 2. A list of  
12 those cases is attached as Exhibit “D.” Consistent with the procedure outlined in Case  
13 Management Order No. 42, the parties ask that those cases remain in Track 2 until May 1,  
14 2020 to allow time to complete settlement paperwork and file stipulated dismissals. See  
15 Doc.16343 at 7.

16 In the event Track 2 settlement agreements provide for funding after May 1, 2020,  
17 or due to currently unknown or unforeseen circumstances any case is not funded until after  
18 May 1, 2020, the parties hereby request that said dismissals need not be filed until 5 days  
19 after the settlement is fully funded. If permitted, the parties involved in said settlements  
20 will advise the court in a joint filing on or before May 1, 2020, which cases fall within this  
21 category.

22 In accordance with Case Management Order No. 42 and this Court’s order dated  
23 November 15, 2019 (Doc 20954), the remaining cases are now subject to remand to their  
24 transferor jurisdictions or transfer to the appropriate venues. However, as in the past, a  
25 number of those cases have deficient profile forms or jurisdictional issues. In addition, a  
26 number of the cases have never been served.

27 A list of those cases ripe for remand to the JPML that do not have any additional  
28 issues is attached as Exhibit “E.”

1 A list of those direct filed cases ready for transfer that do not have any additional  
2 issues is attached as Exhibit “F.”

3 A list of those cases that have not been served is attached as Exhibit “G.”

4 A list of those cases that have profile form deficiencies is attached as Exhibit “H.”

5 A list of those cases where diversity of citizenship does not exist is attached as  
6 Exhibit “I.”

7 A list of those cases that are duplicate filings by plaintiffs that have already settled  
8 is attached as Exhibit “J.”

9 A list of those cases where a plaintiff has multiple filings to be remanded is attached  
10 as Exhibit “K.”

11 A list of those cases in which the plaintiffs do not identify a venue in the complaint  
12 is attached as Exhibit “L.”

13 Due to the significant logistical tasks involved in ensuring these lists are accurate at  
14 this stage, e.g., the volume of cases filed, coordination with multiple firms, multiple  
15 spreadsheets to be reviewed for accuracy, etc., the parties jointly and respectfully request  
16 that the Court not recommend to the JPML any cases for remand until at least fourteen (14)  
17 days after the filing of this joint report. In the event the parties were to find a discrepancy  
18 in any of the filed exhibits, they can be addressed with the court prior to the remand process.

19 The Defendants also request that the remand/transfer order for these cases  
20 specifically preserve their right to challenge venue and personal jurisdiction upon remand,  
21 as the Court did in the previous remand/transfer order (Doc. 19899).

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Respectfully submitted, this 6th day of December, 2019.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2019, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

/s/ Richard B. North